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Art Unit 3745

Remarks

Claims 1-10, 30 and 31 have been allowed. Claims 2-10, 12-14, 16-21 and 23-29 have been objected to because of various informalities. These informalities have been corrected with amendments to these claims, most of which are minor typographical errors. With regard to the change of "kidneys" to "kidney ports" in Claim 21, it is understood that the term "kidneys" is analogous with "port" in this field. In light of the Examiner's request, the applicant does not object to changing to the term "kidney port" which is intended to be identical in scope.

Claims 11-21 and 23-29 have been rejected under 35 U.S.C. §112, second paragraph. The only specific rejection given is to Claims 11 and 15 with regard to the plane of symmetry. These two claims were the subject of a telephone interview with the Examiner on August 26, 2004, and the applicant thanks the Examiner for the courtesies extended during that interview. During that interview, it was discussed that the applicant is not claiming symmetry about a specific plane. Rather, Claims 11 and 15 are directed to an end cap which is symmetric about a plane extending parallel to and through the input shaft. While this claim is broad, as it would cover more than one plane, it is limited by the fact that the end cap must be symmetric about such a plane that extends parallel to and through the pump input shaft. As noted in the interview, such breadth is not indefiniteness. *See*, MPEP, §2173.04. It is believed that Claims 11 and 15 are, therefore, allowable.

Note that Claim 11 has been amended somewhat to more specifically point out the features of the invention. There has been no specific rejection made of Claims 23-29 other than the claim in formalities, which have been addressed. It is believed that these claims are allowable.

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Claim 22 has been rejected under 35 U.S.C. §102(b) as being anticipated by Forster, U.S. Patent No. 3,680,312. Claim 22 requires, among other things, "at least two case drains, where the case drains are located on opposite sides of the end cap." This feature is missing from the Forster reference. The Examiner has relied on elements 17 and 18 in Forster as the "case drains."

A "case drain" is just that, a drain from the case to a place external to the hydraulic circuit, such as a sump. This application identifies them as "drains or connections that divert excessive fluid (e.g., leakage fluid from the pistons) to the reservoir 200, thereby reducing pressure in the pump housing 54." Page 11, lines 1-3. It is also noted that in the specification the case drains 80 and 82 are open external to the end cap 56. *See*, Page 10, lines 21-23.

In the prior art, such case drains are generally in the pump housing and not in the end cap, or there is only a single case drain which does not provide the benefits of the symmetrical relationship. The invention as set forth in Claim 22 provides at least two case drains in the pump end cap instead of in the housing or elsewhere in the system and provides that these case drains are located on opposite sides of the end cap. This is provided in connection with an apparatus having at least two system ports for connection to a hydraulic motor and at least two check valves.

Such an apparatus is not shown in the Forster reference. Rather, in Forster, bores 17 and 18 are used to communicate with respective check valves 20 and 22 and thereafter into compartments 19 and 21 which are connected to passages 13 and 14. Therefore, this is not a "case drain" as used in Claim 22. In fact, in the Forster reference, a case drain is shown in Fig. 2 as item 30 in the main housing and not in the end cap. Forster thus teaches away from having

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case drains in the end cap. Claim 22 is not anticipated by Forster nor made obvious thereby and Claim 22 should be allowable.

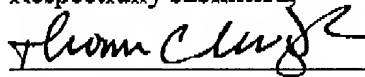
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It is believed that the applicant has complied with all outstanding requirements of the Office Action and it is respectfully requested that this application be granted a notice of allowability at the earliest possible date.

It is believed that no fees are required with this response. Any fees that may be required may be charged to our firm's deposit account number 502,261. Please contact the undersigned attorney if there are any questions.

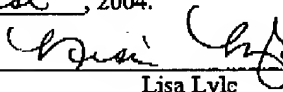
Respectfully submitted,

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Certificate of Transmittal: The undersigned hereby certifies that this document is being sent, via fax to no. 703/872-9306, to the Commissioner for Patents, this 30<sup>th</sup> day of August, 2004.



Lisa Lyle

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